

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WESLEY COTTON,
Plaintiff,
v.
MEDINA, *et al.*,
Defendants.

Case No. 1:22-cv-00568-JLT-EPG (PC)
ORDER DENYING PLAINTIFF’S MOTION
FOR AUTHENTICATION OF DOCUMENT
(ECF No. 122)

Plaintiff Wesley Cotton (Plaintiff) is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff alleges that while he was in a locked caged enclosure in the B yard of Corcoran State Prison (CSP), toxic gas from cannisters used to break up a fight in the C yard drifted over and injured him. Plaintiff alleges that Defendant Medina failed to protect Plaintiff from the gas and Plaintiff suffered from exposure. (*See generally* ECF No. 1).

Before the Court is Plaintiff’s motion entitled “notice to the court of discovery misrepresentation and request for authentication of documents.” (ECF No. 122).

Upon review, the Court denies Plaintiff’s motion.

I. BACKGROUND

A. Plaintiff’s Request for Authentication of Document

On May 14, 2025, Plaintiff filed a motion titled “notice to the court of discovery misrepresentation & request for authentication of document.” (ECF No. 122). Plaintiff argues

1 that a document identified as AG0061, a CDCR FSLA Sign-In Log, “exhibits irregularities that
2 suggest possible post-facto fabrication, omission of required certification, and tampering with
3 state documentation.” (*Id.* at p. 1). Plaintiff requests an order requiring Defendants to provide
4 the full copy of the original LSA log, digital metadata for the document, a certification under
5 oath regarding the authentication of the document, sanctions, and verification from CDCR
6 headquarters. (*Id.* at p. 3).

7 **B. Defendant’s Opposition**

8 In opposition, Medina argues that Plaintiff’s request is an untimely motion to compel
9 further responses to discovery. (ECF No. 137). Medina asserts that the Court’s scheduling
10 order (ECF No. 32) explains that requests for admissions are used to address the genuineness of
11 any described documents. Medina argues that Plaintiff’s request for authentication is untimely
12 under the modified scheduling order that sets the deadline for non-expert discovery as March
13 19, 2024. (ECF No. 62). Medina also argues Plaintiff’s assertions that the document has been
14 manipulated is speculative and unsupported. Medina asserts that Plaintiff cites to sections of
15 the Department Operations Manual that do not exist or are inaccurately cited.

16 **II. ANALYSIS**

17 As an initial matter, Plaintiff’s request for authentication is an untimely discovery
18 request. In this Court’s scheduling order, the Court explained that requests for admissions are
19 written requests that the opposing party “admit, for purposes of the pending action only, the
20 truth of any matters within the scope of Rule 26(b)(1)” that relate to . . . the genuineness of any
21 described documents.” (ECF No. 32 at p. 2). Plaintiff, therefore, was notified that he could
22 serve requests for admission during discovery to verify a documents authenticity. However,
23 the deadline for non-expert discovery was March 19, 2024, and Plaintiff did not file his motion
24 until May 14, 2025, over a year past the deadline.

25 Further, there is no indication from the face of the document that clearly shows any
26 evidence of tampering. (*See* ECF No. 137, Exhibit A). Plaintiff first asserts that the metadata
27 time stamp differs from the handwritten signature. However, it is unclear what “metadata time
28 stamp” Plaintiff is referring to as no such time stamp exists on the face of the document.

1 Additionally, Plaintiff argues that the document lacks a print group number as required by the
2 DOM § 31030.16. However, Medina asserts that no section listed as 31030.16 appears in the
3 DOM, and neither party has placed the DOM before this Court. Lastly, Plaintiff argues that
4 there is no administrative review signature, and the log contradicts Medina's assertions she
5 served only as the EOP sergeant. However, neither of these arguments are relevant to any
6 manipulation or tampering of the documents.

7 Accordingly, Plaintiff's request for authentication is denied.¹

8 **III. CONCLUSION AND ORDER**

9 Accordingly, IT IS ORDERED that Plaintiff's motion for authentication (ECF No. 122)
10 is DENIED.

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12 IT IS SO ORDERED.

13 Dated: July 15, 2025

14 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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¹ Nothing in this order precludes Plaintiff from questioning witnesses at trial regarding this document, or making any argument to the jury at the appropriate time about inconsistencies in the evidence.